

REMARKS

Claims 34-63 are pending in this application. Claims 34, 46 and 56 are independent.

Claims 34-45 and 56-63 stand rejected under 35 USC §101 as directed to non-statutory subject matter. As understood, the rejection is maintained on the same grounds previously asserted. The rejection is respectfully traversed.

The traversal arguments presented in the prior Request for Reconsideration filed on April 12, 2004 are reasserted herein by reference in their entirety.

In paragraph 7 of the Response to Arguments on page 13, the Examiner addresses the prior traversal arguments by stating that “the body of the claims do not recite any computer or device that would allow to analyze or calculate the bills. Therefore, the 101 rejection has been sustained”.

The Examiner’s response is not understood. Claims 34 and its dependencies (claims 35-45) are directed to a process for electronically presenting bills. As such, the invention is not limited to any particular structural implementation. Furthermore, there is no recitation of a process “to analyze or calculate the bills”, and therefore, it is unclear what the Examiner is referring to in this regard.

As recited in claim 34, the process electronically presents bills by displaying, in a first portion of a single screen, a bill including a total amount due and/or a minimum amount due, and a payment due date, and in a second portion of the same screen, bill payment information including a payment date area and a payment amount area. What particular device is utilized to display this information on different portions of a single screen to thereby electronically present bills is irrelevant to the invention of claim 34 and its dependencies.

Claim 56 and its dependencies (claims 57-63) are directed to a single screen

display for electronically presenting bills having a bill of a biller including a total amount due and/or minimum amount due, and a payment amount due, and bill payment information including a payment date area for displaying a payment date which automatically predates the display payment due date by an amount of time corresponding to a time period for making payment in a particular manner, and a payment amount area for displaying a payment amount.

Here again, the particular structure utilized to electronically present the single screen display is irrelevant to the invention recited in claim 56 and its dependencies. Furthermore, it is unclear why the Examiner would even look for a recitation "that would allow to analyze or calculate the bills", since there is no such limitation recited in these claims.

Accordingly it again is respectfully requested that the rejection under 35 USC §101 be reconsidered and withdrawn.

Claims 34, 38, 41-43, 46, 50-51 and 53-54 stand rejected under 35 USC §102(b) as anticipated, and claims 35-37, 39-40, 44-45, 47-49, 52 and 55-63 stand rejected under 35 USC §103(a) as obvious over Hogan (U.S. Patent No. 5,699,528).

As understood, the Examiner maintains the rejection on the same grounds previously asserted. The rejections are respectfully traversed.

The traversal arguments presented in the prior Request for Reconsideration filed on April 12, 2004 are reasserted herein by reference in their entirety.

The Examiner responds to the prior traversal arguments in the response to arguments presented in paragraphs 8-14, on pages 13-14, of the subject Official Action.

In paragraph 11, the Examiner cites in *Dewey & Almay Chem. Co. v. Mimex Co.*, 124 Fed. 2 986, 52 USPQ 138 (Second Cir. 1942) in support of the anticipation

rejection. However, it is respectfully submitted that rather than supporting the Examiner's conclusions, Judge Hand's opinion in *Dewey*, further supports the arguments previously submitted in traversal of the rejections. As noted by Judge Hand, "no doctrine of the patent law is better established than that a prior patent or other publication to be an anticipation must bare within its four corners adequate directions for the practice of the patent invalidated ... if it does not inform the art without more how to practice the invention, it has not correspondingly enriched the store of common knowledge and it is not an anticipation". In finding the patent in issue valid, Judge Hand goes on to state that "these inventors did not move along a well-marked way; they struck out a new path which led to a goal ... To say that for this they needed to look no further a field than the ordinary routineer, one must shut one's eyes to all the significant facts". It is respectfully submitted that the Hogan reference fails to meet the test of anticipation as set forth by Judge Hand in 1942 and by other Justices in subsequent cases before both the CCPA and the CAFC.

As discussed in detail in the prior Request for Reconsideration referred to above, neither of Hogan's two embodiments teach, nor does Hogan as a whole suggest, displaying in two portions of a single screen, a bill having one or more of the total amount due and the minimum amount due, and the payment due date and another portion displaying bill payment information including a payment date area for displaying a payment date and a payment amount area for displaying a payment amount as required by each of independent claims 34, 46 and 56.

As can best be understood, the Examiner in paragraph 8 argues that a payment due date is displayed In Hogan's Figures 4 and 11.

However, as discussed in detail in the referenced prior response, Figure 4

lacks any display whatsoever of a payment due date, and hence the embodiment of Figure 4, on this basis alone, fails to anticipate. While it is acknowledged that the embodiment depicted by Hogan in Figure 11 includes a payment due date in area 1105, it lacks the required second portion of the single screen display, as appears to be acknowledged by the Examiner in the rejection. Accordingly, the Figure 11 embodiment also fails to anticipate.

In paragraph 9, the Examiner contends that the “total amount now due” in Figure 4 of Hogan, corresponds to the required payment amount area for displaying the payment amount in a second portion of the single screen display. However, no reasonable rationale is provided to support the asserted conclusion.

It is first noted that as required by each of the independent claims, the amount due must be displayed in the first portion of the single screen display, whereas the payment amount must be displayed in a payment amount area in a second portion of the single screen. Hence, the displayed amount due and the displayed payment amount must necessarily be displayed as different images in different portions of the same screen. Hence, the Examiner’s contention that the “total amount now due” shown in Figure 4, corresponds to a displayed payment amount is logically flawed. Furthermore, as discussed in detail in the referenced prior response, to the extent Hogan provides a payment amount area for displaying a payment amount, it is on a separate screen from that shown in Figure 4.

In paragraph 10, the Examiner notes that in column 6, lines 59-64, Hogan discloses an “Allowed Partial” option for making partial payments, and contends that this teaches a periodic payment area as required by claims 38, 50 and 57. Here again, no reasonable rationale is provided in support of this conclusion.

Contrary to the Examiner’s position, it is first to be noted that the periodic

payment area required in claims 38, 50 and 57 must be part of the bill payment information which is displayed in the second portion of the single screen.

Furthermore, in column 6, lines 59-64, what Hogan is discussing is a partial payment, not a periodic payment. Nowhere does Hogan suggest that an area be provided for displaying a periodicity at which further payments of a displayed payment amount are to be made after the displayed payment date, and the Examiner has failed to identify any support within Hogan for a contrary conclusion.

In column 12, the Examiner, presumably in addressing the traversal arguments relating to claims 43, 54 and 61, contends that in Figure 11, Hogan discloses a selectable biller list on the single screen. However, as noted above, Figure 11 depicts an e-mail bill presentation, and accordingly has no need for and indeed lacks any selectable biller list. Accordingly on this basis alone, the rejection cannot be understood. Furthermore, as discussed above, even if Figure 11 did include a selectable biller list, the embodiment of Figure 11 lacks numerous other requirements of each of the independent claims.

In paragraph 13, the Examiner contends that there was no request for the Examiner to provide support for the Official Notice. However, contrary to the Examiner's contention, support is explicitly requested on pages 9, 10 and 11 of the April 12, 2004 Request for Reconsideration. As acknowledged by the Examiner, such support has not been provided in the Final Official Action. Accordingly, the demand for support is reasserted herein.

It is also noted that numerous traversal arguments presented in the above-referenced prior Request for Reconsideration have not been addressed in the response to arguments presented on pages 13 and 14 of the subject Final Official Action. The automatic predating limitation of claim 56 continues to be ignored.

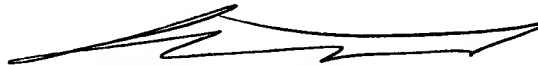
Indeed, no rebuttal to the previously presented traversal arguments is presented in the Final Official Action with respect to claims 35-37, 40-41, 44-45, 47-49, 52-53, 55, 59 and 62-63. It is respectfully requested that the rejection of these claims also be withdrawn in view of the Examiner's implicit acknowledgement of an inability to rebut the traversal of rejections relating to these claims.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 1158.41315CC8) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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